IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 418 OF 2004

Smt. Putalabai w/o. Malkappa
Kalshetti since deceased
through L.R. Chandrakant
Malkappa Kalshetti ..Appellant

versus

The Special Land Acquisition
Officer No. 7 & Ors. ..Respondents

Mr. P. Das for the Appellant.
Mr. A. R. Patil, AGP for the Respondents.

CORAM : D. G. DESHPANDE,J.

DATE : 28TH SEPTEMBER,2005

ORAL ORDER :

1. Heard learned counsel for the Appellant and AGP for the Respondents - State.

2. This Appeal is filed by the original owner of the property for enhancement of the compensation. 0.5 Are of land was acquired. SLAO awarded Rs.90/- only. Reference Court awarded Rs.5,559/-. He claimed Rs.20,000/- and odd for the acquired

property.

3. The Reference Court dismissed his claim on the ground that there was no evidence to support his contention, he did not reply upon any sale deed or sale instances, did not examine anybody to prove the earlier transactions, he relied upon a Hak Patrak without examining the parties to the said document, he also did not rely upon any earlier award or judgment in support of his contention.

4. Counsel for the appellant contended that there was no cross-examination of the witness and no denial of the fact that the acquired land would fetch the price that was claimed. This cannot be considered as a proof. The price which the land would have fetched has to be positively proved by the claimant. No such evidence was adduced. The Reference Court rightly rejected the claim of the appellant. No interference is called for. Appeal is dismissed. No order as to costs.

28.9.2005 (D.G. DESHPANDE, J.)